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Attorneys for Defendants
DEPUY, INC. and DEPUY SPINE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SPOTLIGHT SURGICAL, INC.,

Plaintiff,

vs.

DEPUY, INC. AND DEPUY SPINE, INC.,

Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants had an extension of time up to and including July 28, 2008 to answer or otherwise respond to Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law Unfair Competition.

The parties have exchanged drafts of a settlement agreement, and appear to have resolved all major issues. Thus, the parties are hopeful that they will be able to finalize their settlement and dismiss this matter shortly. Accordingly, the parties, by and through their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional extension of thirty

1 days (30) days to answer or otherwise respond to Plaintiff's Complaint, up to and including
2 August 27, 2008.

3 This will be the twelfth extension of time entered in this case. This stipulation is not
4 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
5 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
6 either the Court's or their time and resources on further litigation.

7 Dated: July 28, 2008

MORGAN, LEWIS & BOCKIUS LLP

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9 By 
Diane J. Mason

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11 Attorneys for Defendant DEPUY, INC. and
DEPUY SPINE, INC.

12 Dated: July 28, 2008

HELLER EHRMAN LLP

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14 By 
Harold J. Milstein

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16 Attorneys For Plaintiff SPOTLIGHT
17 SURGICAL, INC.

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED
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21 Dated: _____

22 The Honorable Jeremy Fogel
23 United States District Judge
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